

**ATTORNEY DOCKET NO. 08146.0014U1
VIA EFS-WEB
Application No. 10/586,006**

Remarks

Claims 1, 3-5, 13 and 16-19 have been amended. Claims 1-20 remain in the application. Reconsideration of the rejections and objections at an early date is requested.

Claims 1-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to be responsive to the several points of indefiniteness raised by the examiner. It is submitted that the amendments overcome this basis of rejection.

The drawings were objected to under 37 CFR 1.83(a) due to the failure to show the heating or cooling device. Corrected drawing sheets that include these features are included with this response. The specification has been amended to identify these features in the drawings.

Claims 1-11, 13, 14 and 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen (U.S. Patent No. 4,046,011). Claim 1 has been amended to recite that the non-return valve is opened by means of the negative pressure.

The subject of the present application is a discharge line with a at least partial vacuum in order to discharge the sample. Olsen et al describes a one-way valve of the device for discharging liquid samples which operates in an open system under atmospheric pressure. For opening and closing the diaphragm a high pressure is generated by means of a charge line being

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under pressure. Thus, continued operation of this system is nearly impossible, since there is a need of time period for balancing the pressure in both parts (see column 4, line 23-55).

According to the present invention, as now amended, continued operation of the device and discharge of the sample without any dead volume is guaranteed by means of the negative pressure of the discharge line in combination with the opening of the reset valves under negative pressure. This is not shown in the Olsen. Thus, claims 1 and 18 are not obvious over Olsen.

Claims 1, 9 and 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tohge et al. (U.S. Patent No. 5,245,318). In Tohge et al a discharge line with negative pressure is not shown, also. Thus, for the same reasons as above, it is submitted that claim 1 is not obvious over Tohge et al.

Moreover, claims 2-17, 19 and 20 all depend directly or indirectly from either claim 1 or claim 18. Thus, these claims should now be allowable.

Therefore, all pending claims should now be allowable. Allowance of claims 1-20 and at an early date is respectfully requested.

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No fee is believed due; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,


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